UIC

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

Ecological Services
c/o CCSU, Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

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September 17, 1986

Claire Patterson
Hearings Examiner
P.O. Box 13087, Capitol Station
Austin, Texas 78711

Dear Ms. Patterson:

The Fish and Wildlife Service (Service) has reviewed public notices concerning the application for in situ uranium mining operation Permit No. UR02827 and two applications for waste disposal well proposed Permits WDW-247 and WDW-248. The applicants, Uranium Resources, Inc./Western Nuclear, Inc., have requested authorization to produce uranium from three sand units in the upper Goliad Formation in the Kingsville Dome Mine Area, at a depth interval of 550 to 750 feet below land surface. The applicants have also requested authorization to operate two waste disposal wells and associated surface facilities which would inject wastewater from the uranium mining operation into the Upper Frio Formation in the approximate subsurface interval between 4610 and 5510 feet below land surface. The mining operation would be located approximately 8 miles south of Kingsville adjacent to FM 1118 in Kleberg County, Texas.

If the subject mining operation detailed above were conducted in accordance with all permit conditions, there would probably be no significant impact on the fish and wildlife resources for which we have responsibility. However, the Service has concerns about the issuance of the subject permits because of the proximity of the mining operation to important coastal fish and wildlife resources and the operations history of the applicants.

Service concerns are based on the fact that the applicant, while conducting in situ mining operations in the Benavides and Hebbronville areas, has apparently not been in compliance with its permits. As with the present applications, those permits authorized deep well injection of the radioactive wastewaters produced by the mining operations. However, when these wells failed to accommodate the wastewaters, the applicant was forced to dispose of the radioactive materials by discharging to the surface waters of the state under an emergency discharge permit. There is apparently no assurance that this would not happen in any in situ uranium mining operation.

Surface discharges or storage of radioactive mining wastes from the proposed mining site could have significant adverse impacts on the fish and wildlife inhabiting Baffin Bay and its watershed as well as the recreational and commercial interests that depend on them. The bay is a nursery and feeding area for spotted seatrout, sand trout, red drum, black drum, southern flounder, croakers, whiting, menhaden, white and brown shrimp, blue crab, and oysters. The bay is also a wintering area for waterfowl, shore,

wading, and migratory birds including: mallard, pintail, gadwall, green-winged teal, shoveler, redhead, canvasback, goldeneye, bufflehead, mottled duck, ibis, cranes, egrets, herons, rails, gallinules, spoonbills, plovers, gulls, and terns.

Because of the implications associated with surface discharges or storage of radioactive wastes to fish and wildlife, the Service is of the opinion that no surface discharges or storage should be allowed in the project area. This would require that in the event authorization was contemplated, precautions would need to be incorporated into the permit requiring (1) appropriate shut down procedures of the operation until accidents and emergencies passed; (2) appropriate facilities providing for hurricanes, floods or other storm events; and (3) appropriate plans to mitigate impacts to fish and wildlife resources during and after contingencies. The Service is available to assist in the development of fish and wildlife mitigation plans.

The Service recommends that the Texas Water Commission not issue the requested permits unless they are conditioned so that the permittee:

(1) Shall cease operations in the event that surface discharges of contaminated wastewaters become imminent and shall not resume operations until authorized by the Texas Water Commission.

(2) Shall construct appropriate facilities to endure hurricanes, floods and other storm events; and

(3) Shall develop appropriate plans prior to initial operation to mitigate impacts to fish and wildlife resources during and after spill contingencies.

Sincerely,

ROGELIO PEREZ
Field Supervisor

cc:
Area Engineer, U.S. Army Corps of Engineers, Corpus Christi, TX
Executive Director, Texas Parks and Wildlife Department, Austin, TX
Supv., Environmental Branch, Texas Parks & Wildlife Dept., Austin, TX
R. A. Harrington, Texas Parks & Wildlife Dept., Corpus Christi, TX
Director, Land Management Policy Section, General Land Office, Austin, TX
Field Representative, General Land Office, Aransas Pass, TX
Commissioner, Texas Water Commission, Austin, TX
Southwest Regional Office, National Audubon Society, Austin, TX
Dr. David Blankenship, National Audubon Society Biologist, Rockport, TX
Executive Director, The Texas Shrimp Association, Austin, TX
Regional Administrator, Environmental Protection Agency, Dallas TX
Regional Director, National Marine Fisheries Service, St. Petersburg, FL
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